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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,301	02/26/2002	Naohiro Isshiki	00862.022534.	2784
5514	7590	09/13/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			RUDOLPH, VINCENT M	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/082,301	<b>Applicant(s)</b> ISSHIKI, NAOHIRO	
	<b>Examiner</b> Vincent Rudolph	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 6 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

### ***Claim Objections***

Claims 6 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer program claimed is merely a set of instructions per se. Since the computer program is merely a set of instructions not embodied on a computer readable medium to realize the computer program functionality, the claimed subject matter is non-statutory. See MPEP § 2106 IV.B.1.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7-10 and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferlitsch (Pub. # 20020097429).

Regarding claim 7, Ferlitsch (Pub. # 20020097429) discloses an image printing apparatus (See Figure 1, Element 12) having a memory and spooler for temporarily storing a print job (See Page 3, Paragraph 0036). Whenever an error occurs, the system reboots, and during this time the spooler use a detection means for detecting any print jobs in the boot in memory, or the spool memory (See Page 3, Paragraph 0042). If the user decides not to save the failed print job, the system uses a delete means for deleting the print job file (See Page 4, Paragraph 0059).

Regarding claim 8, Ferlitsch (Pub. # 20020097429) discloses that booting process is the system resetting, or rebooting, after an error has occurred (See Page 3, Paragraph 0042).

Regarding claim 9, Ferlitsch (Pub. # 20020097429) discloses an operation means, such as the spooler, for executing processing for an abnormality, or failed print job, in the image printing apparatus (See Page 3, Paragraph 0042). A second detection means for informing the user that unprinted print job remain, which user then decides to save the failed print job or not (See Page 3,

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Paragraph 0042). The system uses a delete means for deleting the print job file if the print job is not saved (See Page 4, Paragraph 0059).

Regarding claim 10, Ferlitsch (Pub. # 20020097429) discloses a nonvolatile memory, such a disk, cache or a spool memory for temporary storage of a print job (See Page 3, Paragraph 0036). Whenever an abnormality, or a failed print job, occurs, an abnormality informing means sending a message to the spool memory disclosing what kind of error it was, either one caused by print job or other outside interferences (See Page 3, Paragraph 0040). The user then decides weather or not to save the failed print job (See Page 3, Paragraph 0042), and if not, the system uses a delete means for deleting the print job file (See Page 4, Paragraph 0059).

Regarding claims 1, 13 and 14, the rationale provided in rejection of claim 7 is incorporated herein. In addition, the image printing apparatus of claim 7 corresponds to the method, control program (See Page 2, Paragraph 0031) and computer-readable storage medium (Page 3, Paragraph 0036) of claims 1, 13 and 14 and performs the steps disclosed.

Regarding claims 2-4, the rationale provided in rejection of claims 8-10 is incorporated herein respectively. In addition, the image printing apparatus of claims 8-10 corresponds to the method of claims 2-4 and performs the steps disclosed, respectively.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferlitsch (Pub. # 20020097429) in view of Kato (Pub. # 20020048476).

Regarding claim 11, Ferlitsch (Pub. # 20020097429) discloses that the abnormality, or failed print job, can be caused by a printing error, such as the print queue not responding (See Page 3, Paragraph 0040).

Ferlitsch (Pub. # 20020097429) does not disclose the reason for the print queue to not respond.

Kato (Pub. # 20020048476) discloses a printer malfunction can be caused from several specific reasons such as memory overflow, communication error, program error, etc (See Page 2, Paragraph 0028).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have the printer malfunctions, such as the ones disclosed by Kato (Pub. # 20020048476), included within Ferlitsch (Pub. # 20020097429) because there are many reasons to cause an abnormality within a printing apparatus and by specifically knowing the reason, the user can rectify the problem as quickly as possible.

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Thus, claim 11 is rejected under 35 U.S.C. 103(a).

Regarding claim 5, the rationale provided in rejection of claim 11 is incorporated herein. In addition, the image printing apparatus of claim 11 corresponds to the method of claim 5 and performs the steps disclosed.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is: Bhogal (Pub. # 20030020944), Chapman (Pub. # 20020067498), and Paulus ('757).

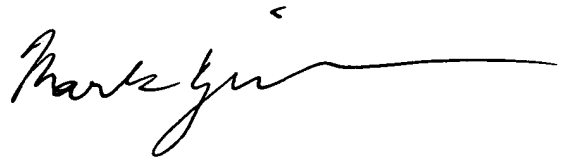
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent Rudolph whose telephone number is (571) 272-8243. The examiner can normally be reached on Monday through Friday 8 A.M. - 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vincent Rudolph  
Examiner  
Art Unit 2624

A handwritten signature in black ink, appearing to read 'Mark Zimmerman', with a long horizontal flourish extending to the right.

MARK ZIMMERMAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600